

REMARKS

The above amendments to the claims and the remarks that follow are a repeat of the amendments and remarks filed with the Response of January 2, 2008.

This Request also incorporates the REQUEST FOR CLARIFICATION which was filed on May 19, 2008, which was a response to the Office Action of February 13, 2008.

The Office Action of February 13, 2008 treats substantively the claims pending prior to the Response filed on January 2, 2008, and repeats, almost verbatim, the rejections made in the Office Action of October 1, 2007. Accordingly, no further substantive comments are necessary. However it is necessary to note that upon contacting the examiner today by telephone, the undersigned was advised that the REQUEST FOR CLARIFICATION had not as yet been received and that a response addressing the substantive issues raised in the Office Action of February 13, 2008 should be filed today to avoid further extensions, and that this suggestion was made by the examiner's supervisor. The undersigned cannot agree with the examiner's supervisor's assessment that the REQUEST FOR CLARIFICATION was not proper considering the fact that the Office Action of February 13, 2008 contained errors due to the fact that it was substantially a verbatim copy of the Office Action of October 1, 2007. The error originated with the USPTO not applicant, and applicant should not be penalized by requiring that an extension of time be filed at this time rather than the issuance of a further and proper office action. Applicant will file a petition to the Commissioner requesting review of the actions taken here.

(Comments from RESPONSE filed January 2, 2008)

Claims 12 - 22 have been examined. As a result, claims 12 - 17 and 22 have been rejected under 35 USC 102(a) as anticipated by Schaffer et al, and claims 18 - 21 are objected to. The examiner has indicated that claims 18 - 21 contain allowable subject matter.

In reply, claims 18 - 21 have been replaced by claims 23 - 26, which represent claims 18 - 21 in independent form. Claims 23 - 26 are, therefore, in allowable condition.

The rejection of claims 12 - 17 and 22 is respectfully traversed because the Schaffer et al publication is not a reference against claims 12 - 17 and 22. The Schaffer et al publication has a filing date of December 22, 2003, whereas the effective filing date of the present application is its International Filing date, namely November 17, 2003. This latter date precedes the December 22, 2003 date so that the Schaffer et al publication is not an effective reference.

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 12 - 17 and 22 be allowed along with claims 23 - 26.

Respectfully submitted,
BACON & THOMAS, PLLC



Felix J. D'Ambrosio
Attorney for Applicant

Registration Number 25,721

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Customer Number *23364*
BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Telephone: (703) 683-0500
Facsimile: (703) 683-1080

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